

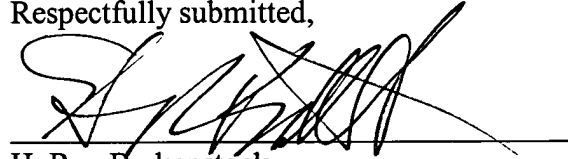
Applicant has rewritten claim 22 to include the additional elements of the invention which distinguish it over the references cited by the Examiner. Applicant now recites the additional structure and relationship of the carpet tack accommodating portion in respect of the cooperation with the exposed carpet tack strip nails which the apparatus engages to move the tack strip into proper position for the tack strip to be nailed. The inventive structure allows the exposed tack 96 of the tack strip to be nailed to be engaged by the apparatus by means of carpet tack accommodating portion 26, with the strip contained within the channel 34. As recited in the claim, the portion 26 is set at a predetermined distance from the exterior of the base portion, such that the apparatus may be used to position the tack strip and then subsequently accomplish the setting of the engaged nail of the tack strip. Careful review of Clifford and Copeland does not describe or illustrate the combined features now claimed, nor do any of the other teaching references such as Henning, Hilti or any of the other cited references suggest Applicant's combination of elements for a carpet laying tool. Applicant observes that the guide track 28 of Clifford analogized by the Examiner as the carpet tack accommodating portion is a guide track for the driver 30. It terminates in the region of a magazine containing a strip of nails which are fired into the tack strip by the driver. In applicant's structure, the accommodating portion is the opening through which the driver ultimately passes in the driving of the nail, however the opening is sized and spaced relative to the spacer 36 to enable the apparatus to engage the exposed, partially driven nail in the tack strip, and thereby function as a positioner for the strip to be laid. When the operator has maneuvered the apparatus via the exposed nail to be in suitable position, the striker drives the exposed nail and the strip is thus set in position. The apparatus may then be relocated to another partially exposed nail, engaged and the strip suitably positioned for final driving of the partially exposed nail. The disclosure of the Clifford apparatus neither teaches nor suggests that the apparatus might be used with a tack strip having partially exposed nails, nor that the apparatus may be so effective in the manipulation, positioning and securing of the tack strip as Applicant's invention.

Likewise, Copeland, Hilti and Henning disclose no adaptation of a nail driver for engaging a partially driven nail of a carpet tack strip to maneuver the strip, locate it relative to a wall against which carpet is to be laid and the final setting of the nail in the tack strip.

Accordingly, Applicant believes that the Application is now in suitable form for allowance. Reconsideration by the Examiner is respectfully requested and a Notice of Allowance solicited.

If the Examiner feels that a telephone conference with Applicant's attorney would advance the prosecution of the application, he is invited to call the undersigned at 901-537-1108.

Respectfully submitted,



H. Roy Berkenstock
Registration No. 24,719

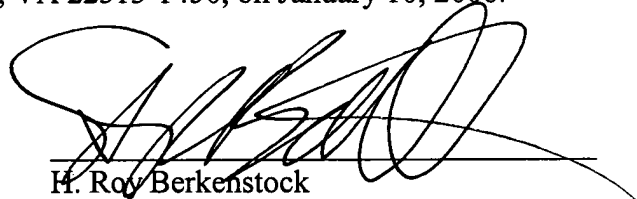
Date: January 10, 2006

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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on January 10, 2006.



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Date: January 10, 2006